

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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CHARLOTTE BEER,  
on behalf of Anthony Aericko,

Civil No. 05-2201 (PJS/SRN)

Plaintiff,

v.

ORDER ADOPTING REPORT AND  
RECOMMENDATION

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

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Paul E. W. Mundt, SOUTHERN MINNESOTA REGIONAL LEGAL  
SERVICES, 66 East Third Street, Suite 204, Winona, MN 55987, for plaintiff.

Lonnie F. Bryan, Assistant United States Attorney, UNITED STATES  
ATTORNEY'S OFFICE, 600 United States Courthouse, 300 South Fourth Street,  
Minneapolis, MN 55415, for defendant.

This matter is before the Court on plaintiff Charlotte Beer's objections to the Report and Recommendation of Magistrate Judge Susan R. Nelson dated September 15, 2006. Beer brings this action on behalf of her son, Anthony Aericko, seeking reinstatement of Aericko's Supplemental Security Income disability benefits. Judge Nelson recommends granting the Commissioner's motion for summary judgment and denying Beer's motion for summary judgment.

After conducting the de novo review required by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the Court ADOPTS Judge Nelson's Report and Recommendation.

Based on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED  
THAT:

1. Plaintiff's motion for summary judgment [Docket No. 10] is DENIED;

2. Defendant's motion for summary judgment [Docket No. 12] is GRANTED; and
3. Plaintiff's complaint [Docket No. 1] is DISMISSED WITH PREJUDICE AND  
ON THE MERITS.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 30, 2006

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge